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NO FEE-GOV'T CODE 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO: 19STCV25575
12 Plaintiff,)
13 vs.)
14 JOSEFINA T. SONGCO, as Trustee of THE)
15 LIVING TRUST OF JOSEFINA T. SONGCO)
16 DATED SEPTEMBER 18, 2018; ERIC REES, aka)
ERIC TIMBOL RUIZ, aka ERIC T. RUIZ and ERIC)
RUIZ, an individual; and DOES 1 through 50,)
inclusive,)
18 Defendants.)
19

20 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

21 I. **INTRODUCTION**

22 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
State of California (the "People"), for the purpose of abating, preventing and enjoining a
narcotics-related public nuisance existing at a property with an address commonly known as
4953 Wiota Street, Los Angeles, California, 90041 (the "Property"). The Action is brought
pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section
11570, et seq.

28 2. The Property, which is located in the Eagle Rock neighborhood of Northeast Los

1 Angeles, is a four-bedroom, three-story, condominium, with an attached garage. It is one of
2 seven separately owned condominium units inside a gated community and is situated on a
3 quiet and well-maintained block with single-family homes and apartment buildings.

4 3. The Property is owned by JOSEFINA T. SONGCO, as trustee of THE LIVING
5 TRUST OF JOSEFINA T. SONGCO DATED SEPTEMBER 18, 2018 ("Defendant SONGCO").
6 On or about April 20, 2001, Defendant SONGCO purchased the Property and owned it as her
7 sole and separate property until she transferred it into the trust in September 2018. Based
8 upon information and belief, Defendant SONGCO's 42-year-old son, Defendant ERIC REES
9 ("Defendant REES"), also resides at the Property, and has lived there since 2003.

10 4. In the Spring of 2018, officers from the City of Glendale Police Department began
11 surveilling the Property after they observed a known narcotics seller visiting the Property on
12 multiple occasions. As a result, on July 25, 2018, Glendale Narcotics Detectives, armed with a
13 search warrant, arrived at the Property. Shortly before serving the search warrant, officers
14 conducted surveillance and observed Defendant REES drive away from the Property. They
15 followed him to a parking lot two miles away where they detained him as he was speaking with
16 the same narcotics seller they had seen at the Property on prior occasions. Officers informed
17 Defendant REES that they had a search warrant for his residence. When asked whether he
18 had anything illegal in his residence, he replied that he may have some narcotics and a
19 firearm.

20 5. Officers transported Defendant REES back to the Property and executed the
21 search warrant while he and his mother, Defendant SONGCO, were both present. Narcotics
22 officers searched Defendant REES' bedroom, located inside the main house, and recovered
23 three (3) clear bags of heroin and one (1) clear baggie of cocaine from a black case on
24 Defendant REES' bed. Inside the bedroom closet, officers recovered a 9mm pistol, loaded
25 with eight rounds, along with ammunition, including a magazine containing an additional fifteen
26 rounds. Officers searched the parking garage where they recovered one (1) clear bag of
27 black-tar heroin, three (3) clear bags of methamphetamine and an operable digital scale on top
28 of a table inside a black pouch. Defendant REES was arrested for possession of a controlled

1 substance for sale (Health and Safety Code sections 11378 and 11351).

2 6. On May 10, 2019, Los Angeles Police Department's ("LAPD") Northeast
3 Community Police Station received a call from a male stating that he believed his friend was
4 being held against her will at the Property. He stated that he took his friend to the Property for
5 "a business transaction" earlier that day, and when she did not exit the Property within five
6 minutes, he became concerned. Northeast officers responded to the Property, and when they
7 arrived, they observed a female exiting the garage. Officers also observed Defendant REES in
8 the garage. The female was detained and she told officers that on April 24, 2019 she went to
9 the Property to purchase heroin from Defendant REES. She stated that Defendant REES
10 refused to sell heroin to her and instead held her against her will in the garage for ten days.
11 The female, a seventeen year-old runaway, stated that over the ten-day period, she was tied
12 up, beaten and repeatedly raped by Defendant REES. She alleged that Defendant REES
13 threatened to harm her mother and to "cut one of her arteries" if she tried calling out for help.
14 Defendant REES eventually released her, but told her she had to return once a week to have
15 sex with him or he would "take care of her mother." On this day, the victim stated that she
16 returned to the Property to have sex, out of fear that her mother would be harmed if she did
17 not. Detectives were unable to locate the underage victim, and therefore, no charges were
18 filed against Defendant REES.

19 7. Based upon the May 10, 2019 incident, on June 11, 2019, Northeast Division
20 Narcotics Enforcement Detail ("NED") served another search warrant at the Property. Once
21 again, Defendant SONGCO and her son, Defendant REES, were both present during
22 execution of the warrant. Defendant SONGCO told officers that Defendant REES sleeps in the
23 garage, but also has a bedroom in the main house. Officers searched the Property and, from
24 the garage, recovered a semi-automatic handgun, with the serial number removed, along with
25 ammunition, including multiple magazines, sixty-five bullets and a speed loader. Officers also
26 recovered one (1) plastic bag and five (5) plastic baggies containing black-tar heroin (16.15
27 grams), with a street value of about \$400, five (5) plastic baggies and one (1) plastic bag of
28 methamphetamine (25.24 grams), with a street value of about \$ 200-300, one (1) clear baggie

1 of cocaine (.32 grams), six pills of oxycodone, a digital scale and sixty-one (61) clear plastic
2 baggies. Cash in the amount of \$977 was also recovered from Defendant REES' person.
3 Defendant REES was arrested, but was subsequently released from custody. On July 5,
4 2019, Defendant REES was charged with one count of possessing methamphetamine for sale
5 (Health and Safety Code section 11378), one count of possessing heroin for sale (Health and
6 Safety Code section 11351), one count of possessing a controlled substance while armed
7 (Health and Safety Code section 11370.1(A)) and being a felon in possession of a firearm
8 (Penal Code section 29800(A)(1)) in Los Angeles Superior Court, case number BA479161. An
9 arrest warrant was ordered and issued for Defendant REES on July 5, 2019. As of today, the
10 warrant is still outstanding, as Defendant REES has not yet been located and arrested.

11 8. A female, Nichole Haney, who had been seen entering and exiting the garage
12 with Defendant REES prior to service of the warrant, was present during execution of the
13 warrant. Officers recovered her identification from her purse and observed a prescription
14 bottle with the name of "Johnnie Roberson." Inside the bottle, were twenty-nine (29)
15 Lorazepam pills. Haney was arrested for possessing a designated substance for sale. (Health
16 and Safety Code section 11375(B)(1)).

17 9. The unlawful and predatory activity at the Property poses a continuing danger to
18 the public. The occurrence of narcotics sales attracts drug users and drug dealers to the
19 neighborhood, thereby, further endangering the community. Defendant REES' continued
20 narcotics possession and sales, along with illegal firearm possession at the Property, poses a
21 palpable danger to the other residents inside and outside this gated community. This nuisance
22 abatement prosecution is intended to permanently remove Defendant REES from the Property
23 in order to make it a safe environment for the people who live in the surrounding area.

24 **II. THE PARTIES AND THE PROPERTY**

25 **A. Plaintiff**

26 10. Plaintiff, the People, is the sovereign power of the State of California designated
27 in California Health and Safety Code section 11571 to be the complaining party in actions
28 brought to abate, enjoin, and penalize narcotics nuisances.

B. The Defendants

11. Defendant, JOSEFINA T. SONGCO, Trustee of THE LIVING TRUST OF JOSEFINA T. SONGCO DATED SEPTEMBER 18, 2018, has been the owner of the Property since at least April 20, 2001, and prior to that, was the sole owner of the Property. Based upon information and belief, she currently lives at the Property with her 42 year-old son, Defendant REES.

12. Based upon information and belief, Defendant REES has resided at the Property since at least 2003, and sleeps in the garage, but also maintains a bedroom in the main house. Defendant REES was convicted of felony Possession of Methamphetamine for Sale, a violation of Health and Safety Code section 11378, on December 18, 2014 in Los Angeles Superior Court case number GA094968.

13. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of said fictitiously named defendants.

C. The Property

14. The Property consists of one unit in a seven-unit condominium plan with a commonly known address of 4953 Wiota Street, Los Angeles, California 90041. The Property's legal description is "A) An undivided 1/7 interest in and to Lot 1 of Tract no. 46122, in the County of LOS ANGELES, State of California, as per map recorded in Book 1188, Pages 22 to 23 of maps, in the Office of the County Recorder of said County. EXCEPT therefrom Units 1 to 7 inclusive as defined and delineated on the Condominium Plan recorded June 1, 1994 as Instrument No. 94-1070576, Official Records. B) **Unit 6** as defined and delineated on the above referenced Condominium Plan", with Assessor's Parcel Number 5690-007-057.

III. THE NARCOTICS ABATEMENT LAW

15. The abatement of a nuisance is a long established and well-recognized exercise

1 of the state's police power. (*People v. Barbiere* (1917) 33 Cal.App. 770, 775; *People ex rel.*
2 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
3 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
4 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
5 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
6 division . . ." (Health & Saf. Code, § 11570.)

7 16. The NAL provides that every building or place used for the purpose of unlawfully
8 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
9 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
10 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
11 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
12 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

13 17. Health and Safety Code section 11571 authorizes a city attorney to bring an
14 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
15 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
16 maintained, or exists in any county, the district attorney of the county, or the city attorney of
17 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
18 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
19 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
20 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

21 18. Health and Safety Code section 11573(a) provides that: "If the existence of the
22 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
23 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
24 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added). In
25 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
26 removal and sale of all fixtures and movable property on the premises used in aiding or
27 abetting the nuisance and for the closure of the building for up to one year. Health and Safety
28 Code section 11573.5(b) also provides that an injunction issued pursuant to 11573 may

1 include closure of the premises pending trial when a prior order does not result in the
2 abatement of the nuisance.

3 **IV. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

4 **[Health and Safety Code Section 11570, *et seq.*--**

5 **Against All Defendants and DOES 1 through 50]**

6 19. Plaintiff hereby incorporates by reference paragraphs 1 through 18 of this
7 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

8 20. Since at least 2018 to the present, the Property has been and is *currently* being
9 used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving
10 away controlled substances in violation of Health and Safety Code section 11570, *et seq.*

11 21. Defendants, and DOES 1 through 50, are responsible for conducting,
12 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
13 no plain, speedy and adequate remedy at law and unless Defendants, and DOES 1 through
14 50, are restrained and enjoined by order of this Court, Defendant REES will continue to use,
15 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
16 and maintenance of the Property, together with the fixtures and appurtenances located therein,
17 for the nuisance complained of herein, to the great and irreparable damage of the public and in
18 violation of California law.

19 **PRAYER**

20 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
21 **DECREE AS FOLLOWS:**

22 **AS TO THE FIRST CAUSE OF ACTION**

23 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
24 of Health and Safety Code section 11570, *et seq.*

25 2. That the Property, together with the fixtures and moveable property therein and
26 thereon, be found to constitute a public nuisance and be permanently abated as such in
27 accordance with Section 11581 of the California Health and Safety Code.

1 3. That the Court grant a preliminary injunction, permanent injunction and order of
2 abatement in accordance with Section 11570, et. seq. of the California Health and Safety
3 Code, enjoining and restraining each Defendant and their agents, officers, employees and
4 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
5 or giving away controlled substances on the Property, and/or directly or indirectly maintaining
6 or permitting such nuisance activity.

7 4. That the court order physical and managerial improvements to the Property in
8 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
9 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
10 including but not limited to, the following: termination of DEFENDANT REES' residency at the
11 Property and a prohibition on him being within 1,000 feet of the Property at any time, for any
12 reason; prohibiting known narcotics users and dealers from accessing the Property; and strict
13 limitations on who else may be present on the Property at all times.

14 5. That as part of the Judgment, an Order of Abatement be issued, and the
15 Property be closed for a period of one year, not to be used for any purpose, and be under the
16 control and custody of this Court for said period of time; or in the alternative, if the Court
17 deems such closure to be unduly harmful to the community, that Defendants, and DOES 1
18 through 50, pay an amount of damages equal to the fair market rental value of the Property for
19 one year to the City or County in whose jurisdiction the nuisance is located in accordance with
20 Health and Safety Code section 11581 subdivision (c)(1).

21 6. That each Defendant and Does 1-50 each be assessed a civil penalty in an
22 amount not to exceed twenty-five thousand dollars (\$25,000.00) each.

23 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
24 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
25 provided for the sale of chattels under execution. Said fixtures and property shall be
26 inventoried and a list prepared and filed with this court.

1 8. That there shall be excepted from said sale, such property to which title is
2 established in some third party not a defendant, nor agent, officer, employee or servant of any
3 defendant in this proceeding.

4 9. That the proceeds from said sale be deposited with this court for payment of the
5 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
6 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
7 other costs as the Court shall deem proper.

8 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
9 allowances, the Property shall also be sold under execution issued upon the order of the court
10 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
11 monies remaining after payment of approved costs shall be delivered to the owner of said
12 Property. Ownership shall be established to the satisfaction of this court.

13 11. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
14 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
15 enjoined from transferring, conveying, or encumbering any portion of the Property, for
16 consideration or otherwise, without first obtaining the Court's prior approval.

17 12. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
18 transferees, purchasers, commercial lessees, or other successors in interest to the subject
19 Property of the existence and application of any temporary restraining order, preliminary
20 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
21 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
22 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
23 the subject of this Action.

24 13. That Defendants, and DOES 1 through 50, be ordered to immediately give a
25 complete, legible copy of any temporary restraining order and preliminary and permanent
26 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
27 to the Property.

28 14. That Defendants, and DOES 1 through 50, be ordered to immediately request

1 and procure signatures from all prospective transferees, purchasers, lessees, or other
2 successors in interest to the subject Property, which acknowledges his/her respective receipt
3 of a complete, legible copy of any temporary restraining order, preliminary and permanent
4 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
5 Office, c/o Deputy City Attorney Kim Erickson or her designee.

6 15. That Plaintiff recover the costs of this action, including law enforcement
7 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
8 \$1,000,000.00, from Defendants and DOES 1 through 50.

9 16. That Plaintiff recover the amount of the filing fees and the amount of the fee for
10 the service of process or notices which would have been paid but for Government Code
11 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
12 amount of the fees for certifying and preparing transcripts.

13 17. That Plaintiff be granted such other and further relief as the Court deems just and
14 proper.

16 | DATED: July 22, 2019 Respectfully submitted,

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